



Order Filed on September 18, 2022
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1

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In re:

NEW ENGLAND MOTOR FREIGHT, INC.,
et al.¹

Debtors.

Chapter 11

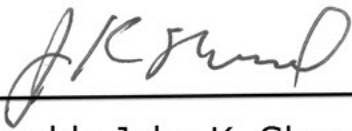
Case No.: 19-12809 (JKS)

(Jointly Administered)

**CONSENT ORDER RESOLVING CREDITORS ROMULO HERNANDEZ'S AND
MARIA E. HERNANDEZ'S MOTION FOR AN ORDER GRANTING RELIEF FROM
THE AUTOMATIC STAY**

The relief set forth on the following pages, numbered 2 (two) through five (5), is hereby
ORDERED.

DATED: September 18, 2022



Honorable John K. Sherwood
United States Bankruptcy Court

¹ The Debtors in these chapter 11 cases and the last four digits of each Debtor's taxpayer identification number are as follows: New England Motor Freight, Inc. (7697); Eastern Freight Ways, Inc. (3461); NEMF World Transport, Inc. (2777); Apex Logistics, Inc. (5347); Jans Leasing Corp. (9009); Carrier Industries, Inc. (9223); Myar, LLC(4357); MyJon, LLC (7305); Hollywood Avenue Solar, LLC (2206); United Express Solar, LLC (1126); and NEMFLogistics, LLC (4666).

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Debtor: New England Motor Freight, Inc., *et al.*

Case No.: 19-12809 (JKS)

Caption: *Consent Order Resolving Creditors Romulo Hernandez's And Maria E. Hernandez's Motion For An Order Granting Relief From The Automatic Stay*

THIS MATTER comes before the Court in connection with Romulo Hernandez's And Maria E. Hernandez's (collectively, the "Claimants") *Motion For An Order Granting Relief From The Automatic Stay* [Docket No. 1626] (the "Stay Relief Motion"); and Kevin P. Clancy, solely in his capacity as the liquidating trustee (the "Liquidating Trustee") of the Liquidating Trust established pursuant to the *Debtors' and Official Committee of Unsecured Creditors' Third Amended Joint Plan of Liquidation and Disclosure Statement* (the "Plan") [Docket No. 1023], the Claimants, and the implicated insurance carrier, National Account Unbundled- Travelers (the "Carrier", and collectively with the Liquidating Trustee and Claimants, the "Parties") under the relevant implicated policy (the "Policy") having reached a consensual resolution of the Stay Relief Motion; and the Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the Standing Order of Reference to the Bankruptcy Court Under Title 11 of the United States District Court for the District of New Jersey, as amended on September 18, 2012, and venue being proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and this matter being a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and notice of the Stay Relief Motion having been found to be sufficient under the circumstances, and it appearing that no other or further notice need be provided; and the Court having determined that the relief set forth below is in the best interests of the Debtors' estates and creditors and, after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY FOUND, DETERMINED, ORDERED, AND ADJUDGED as follows.

1. The automatic stay and/or injunction set forth in Article X of the Plan (as applicable) are hereby modified, effective upon entry of this Order, to the extent necessary to

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permit the personal injury lawsuit captioned *Romulo Hernandez and Maria E. Hernandez, his wife v. Jason Perkins, New England Motor Freight, Inc. and Cindy Hernandez*, Case No. 2010-SU-001214-01 (the “Pennsylvania Action”) to proceed with mandatory alternative dispute resolution. All parties to the Pennsylvania Action (including but not limited to the following: Romulo Hernandez, Maria E. Hernandez, Jason Perkins, New England Motor Freight, Inc. (solely through its insurer) and Cindy Hernandez) shall participate in the mandatory alternative dispute resolution procedures and plaintiffs are enjoined from further pursuing any claims in the Court of Common Pleas, York County, Pennsylvania, until further alternative dispute resolution involving all parties in the case has been completed. Thereafter, upon completion of all dispute resolution proceedings involving all parties, the parties may proceed in the Court of Common Pleas, York County, Pennsylvania, and claimants are permitted to litigate the Pennsylvania Action through and including to judgment and/or settlement, subject to the terms and conditions of this Order. Further, it is understood and agreed that the parties to the Pennsylvania Action will continue to proceed with ongoing settlement negotiations with respect to an overall settlement of all claims in the Pennsylvania Action. If the parties do not reach an overall settlement of all claims on or before September 30, 2022, the parties will schedule mediation before Judge Wallitsch.

2. Any recovery, settlement, judgment, or other sums awarded in connection with the Pennsylvania Action or arising out of the factual allegations in the Pennsylvania Action are to be satisfied solely through any available insurance proceeds and Claimants will have no Claim (as defined by §101(5) of the Bankruptcy Code) or other recourse of any kind or nature

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against the Liquidating Trust, the Debtors, the Debtors' estates, their successors and assigns, or their assets or properties.

3. The Stay Relief Motion is hereby fully and finally resolved, and denied as moot. Further, the certification filed by the Matthew Crosby, Esquire in support of the Motion an Order Granting Relief from the Automatic Stay is withdrawn.

4. Notwithstanding any Bankruptcy Rules or other applicable law to the contrary, this Order shall be immediately effective and enforceable upon its entry.

5. The Parties are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order.

6. The requirement set forth in Local Rule 9013-1(a)(3) that any motion or other request for relief be accompanied by a memorandum of law is hereby deemed satisfied by the contents of the Stay Relief Motion, or otherwise waived.

7. This Court shall retain exclusive jurisdiction to hear and decide any and all disputes related to or arising from the implementation, interpretation, and enforcement of this Order.

[Signatures follow]

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Caption: *Consent Order Resolving Creditors Romulo Hernandez's And Maria E. Hernandez's Motion For An Order Granting Relief From The Automatic Stay*

Dated: September 13, 2022

By: /s/ Michael Papandrea

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